

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Division 2 New dwelling houses and attached ancillary development

Subdivision 1 Primary development standards for new dwelling houses

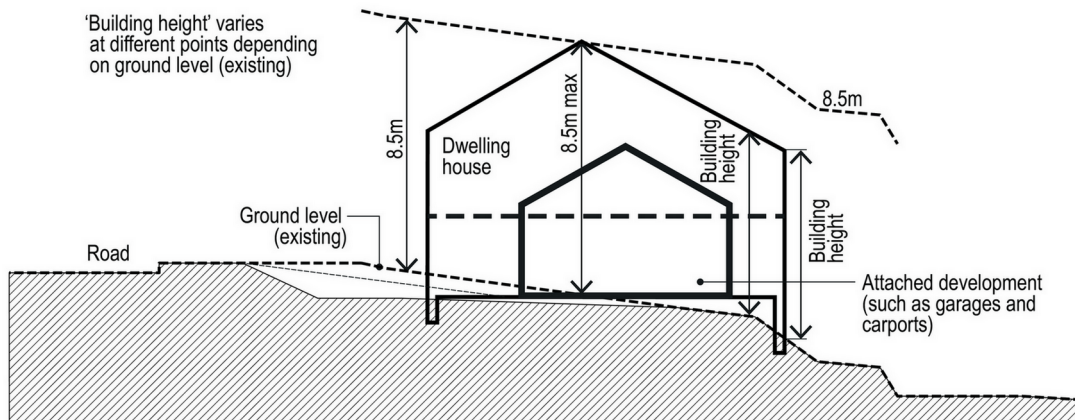
3.6 Maximum building height

The maximum height for a dwelling house and all attached ancillary development is 8.5m above ground level (existing).

Note 1. *Attached ancillary development* and *dwelling house* are defined in clause 1.5.

Note 2. *Ground level (existing)* is defined in the Standard Instrument as the existing level of a site at any point.

Example for clause 3.6:



3.7 Maximum gross floor area

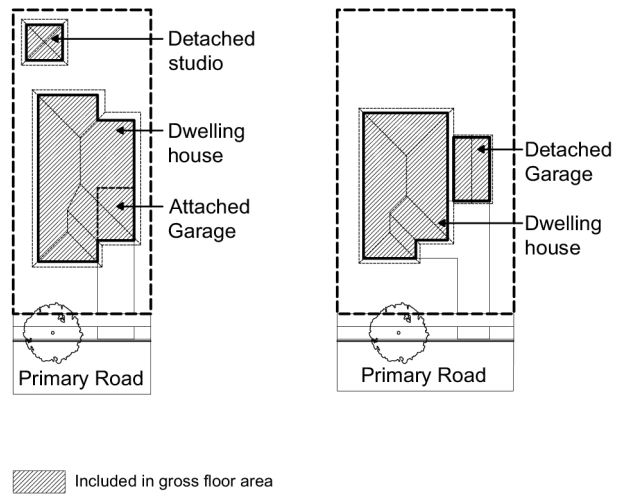
- (1) The maximum gross floor area for all development on a lot is shown in the following table:

Lot size	Maximum gross floor area
200m ² –250m ²	90% of lot size
>250m ² –350m ²	85% of lot size
>350m ² –400m ²	75% of lot size
>400m ² –500m ²	65% of lot size
>500m ² –700m ²	60% of lot size
>700m ² –920m ²	50% of lot size
>920m ²	460m ²

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Example for clause 3.7 (1):



- (2) When calculating the area of a battle-axe lot, the area of the access laneway is excluded.

Note 1. Battle-axe lot is defined in clause 1.5.

Note 2. Gross floor area has the same meaning as it has in the Standard Instrument.

3.8 Minimum landscaped area

- (1) The minimum landscaped area that must be provided for development on a lot is shown in the following table:

Lot size	Minimum landscaped area
200m ² –300m ²	10% of lot size
>300m ² –400m ²	15% of lot size
>400m ² –500m ²	20% of lot size
>500m ² –600m ²	25% of lot size
>600m ² –750m ²	30% of lot size
>750m ² –900m ²	35% of lot size
>900m ² –1,500m ²	40% of lot size
>1,500m ²	45%

- (2) Each landscaped area must have a minimum width of 1.5m.
- (3) The percentage of the landscaped area that must be located in front of the building line is shown in the following table:

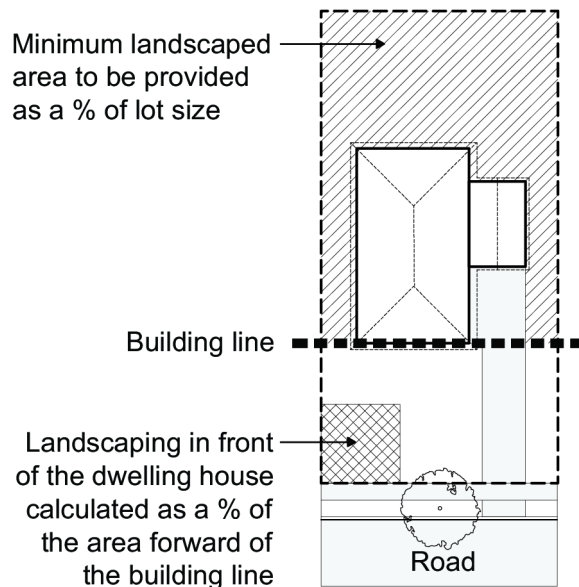
Lot width (measured at the building line)	Percentage of landscaped area in front of the building line
18m or less	25% of the minimum required landscaped area

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Lot width (measured at the building line)	Percentage of landscaped area in front of the building line
More than 18m	50% of the minimum required landscaped area

Example for clause 3.8 (1) and (3):



- (4) The minimum area of principal private open space that must be provided for development on a lot is shown in the following table:

Lot width (measured at the building line)	Minimum principal private open space
>6m–10m	16m ²
>10m	24m ²

Note 1. *Building line* and *principal private open space* are defined in clause 1.5.

Note 2. *Landscaped area* and *private open space* have the same meanings as they have in the Standard Instrument.

3.9 Minimum setbacks for standard lots

(1) Primary road setback

The primary road setback of the dwelling house and all attached ancillary development on a standard lot must not be less than the average primary road setback of the 2 nearest dwelling houses on the same side of the primary road.

- (2) If there are not 2 dwelling houses within 40m of the lot on the same side of the primary road, the dwelling house and all attached ancillary development must

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

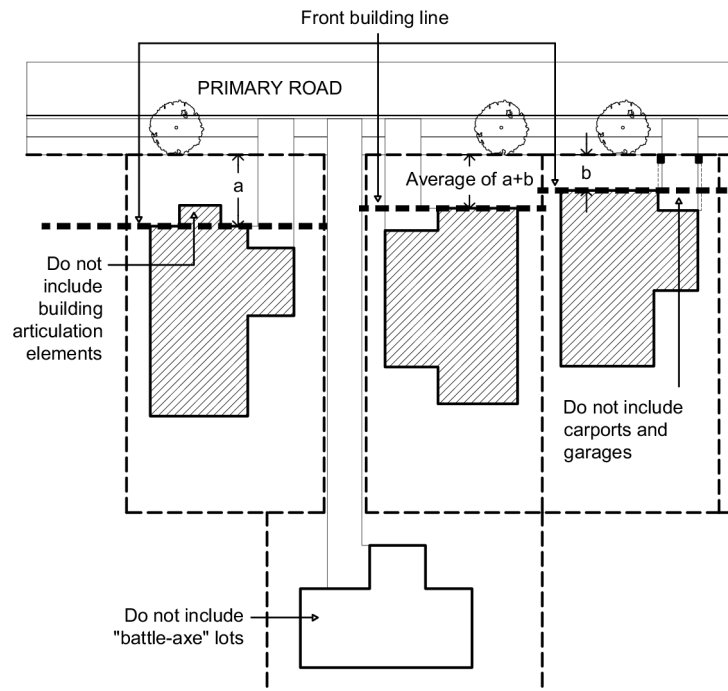
have a minimum setback from the primary road as shown in the following table:

Lot width	Building height	Minimum required setback from each side boundary
6m–10m	0m–5.5m	900mm
6m–10m	>5.5m–8.5m	$=(\text{building height}-5.5\text{m}) \div 4 + 0.9\text{m}$
>10m–18m	0m–4.5m	900mm
>10m–18m	>4.5m–8.5m	$=(\text{building height}-4.5\text{m}) \div 4 + 0.9\text{m}$
>18m–24m	0m–4.5m	1.5m
>18m–24m	>4.5m–8.5m	$=(\text{building height}-4.5\text{m}) \div 4 + 1.5\text{m}$
>24m	0m–8.5m	2.5m

Note. Setbacks for lots fronting a classified road are shown in clause 3.13.

- (3) For the purpose of determining the primary road setbacks of the 2 nearest dwellings the following are not to be included:
- (a) dwelling houses on battle-axe lots,
 - (b) all attached ancillary development and detached ancillary development on other lots,
 - (c) building elements in the articulation zone.

Example for clause 3.9 (1) to (3):



Public consultation draft

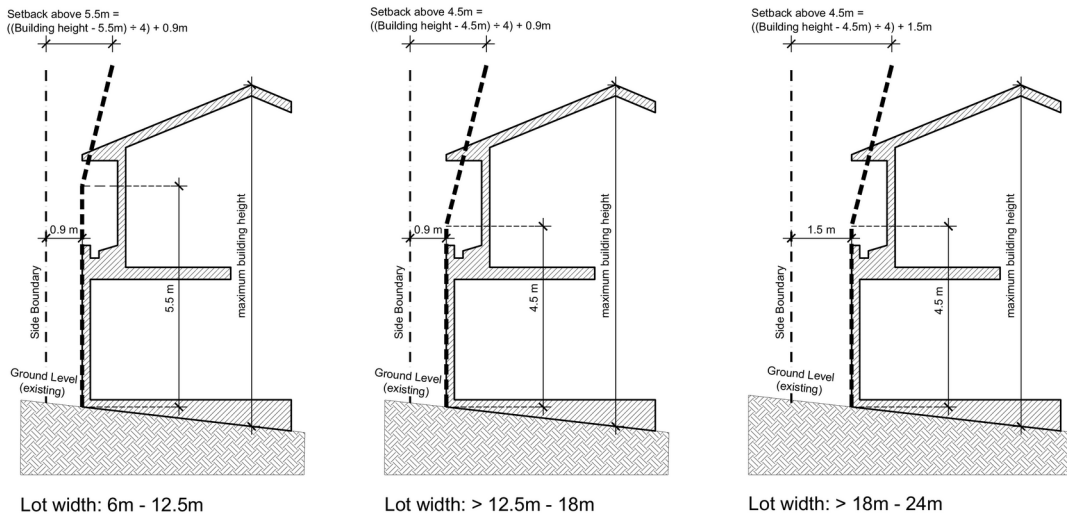
State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

(4) Side setbacks

The dwelling house and all attached ancillary development must have a minimum setback from the side boundary as shown in the following table:

Lot width at the building line	Building height	Minimum setback from each side boundary
6m–12.5m	0m–5.5m	0.9m
6m–12.5m	>5.5m–8.5m	$=(\text{building height}-5.5\text{m}) \div 4 + 0.9\text{m}$
>12.5m–18m	0m–5.5m	0.9m
>12.5m–18m	>5.5m–8.5m	$=(\text{building height}-3.5\text{m}) \div 2$
>18m–24m	0m–6.5m	1.5m
>18m–24m	>6.5m–8.5m	$=(\text{building height}-4.5\text{m}) \div 2$
>24m	0m–8.5m	2.5m

Example for clause 3.9 (4):



(5) Built to boundary setbacks

Despite subclause (4), the dwelling house and all attached ancillary development may be built to 1 or both side boundaries if the setback complies with the following table:

Lot width at the building line	Conditions required for built to boundary setback
6m–8m	<p>The building may be built to both side boundaries if any wall of a building on the adjoining lot within 900mm of that boundary:</p> <ul style="list-style-type: none"> (a) is of masonry construction, and (b) does not have a window facing that boundary.

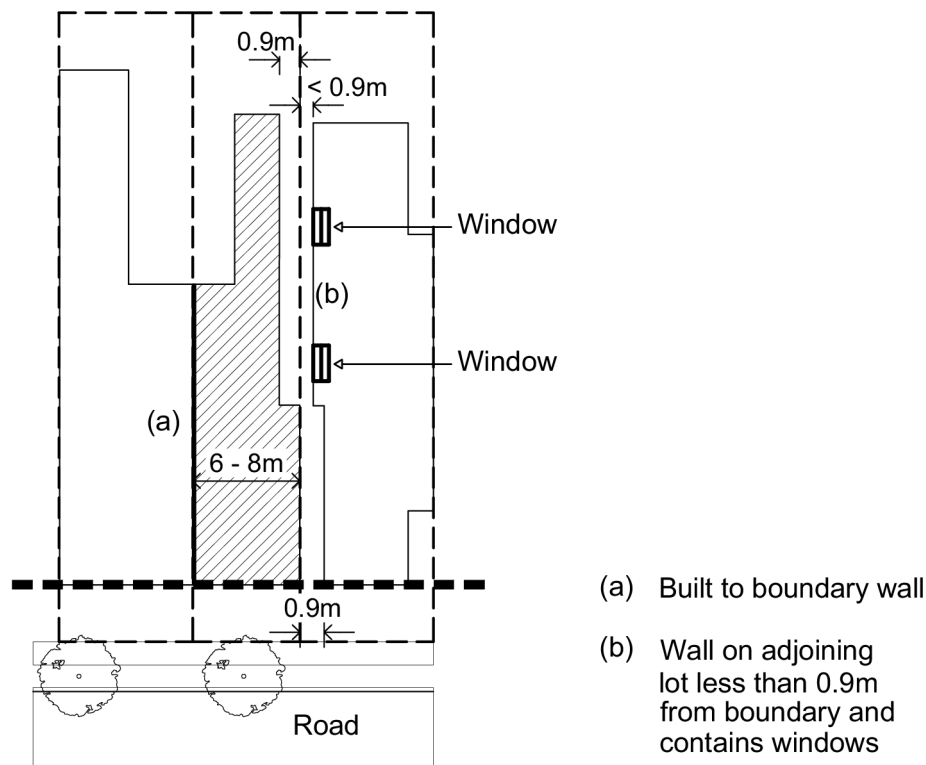
Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Lot width at the building line	Conditions required for built to boundary setback
--------------------------------	---

>8m–12.5m	The building may be built to only 1 side boundary if any wall of a building on the adjoining lot within 900mm of that boundary: <ul style="list-style-type: none">(a) is of masonry construction, and(b) does not have a window facing that boundary.
-----------	--

Example for clause 3.9 (5):



- (6) A wall of a building erected under subclause (5) within 900mm of the boundary must not contain a door, window or any other opening.

(7) **Height of built to boundary walls**

The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if the height of the built to a boundary wall on an adjoining lot is higher than 3.3m—the height of that wall, but not more than 8.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the wall on the adjoining lot, but not more than 8.5m.

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

(8) Maximum length of boundary walls

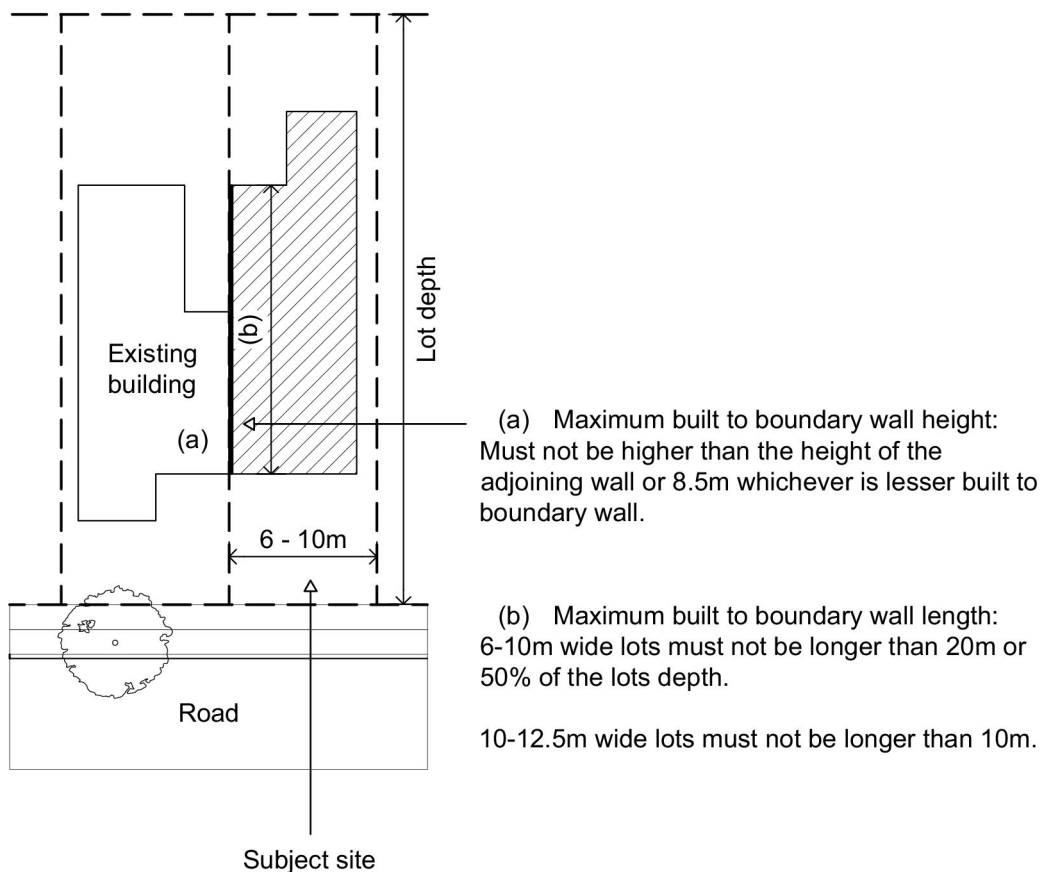
The length of a wall erected within 900mm of a side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of boundary wall
6m–10m	20m or 50% of the depth of the lot, whichever is the lesser
>10m–12.5m	10m

(9) Despite subclause (8), the maximum length of a wall erected within 900mm of a lot side boundary is:

- if the length of the built to a boundary wall on an adjoining lot is longer than the length calculated under subclause (8)—the length of that wall, or
- if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the length of the wall on the adjoining lot.

Example for clause 3.9 (8) and (9):



Public consultation draft

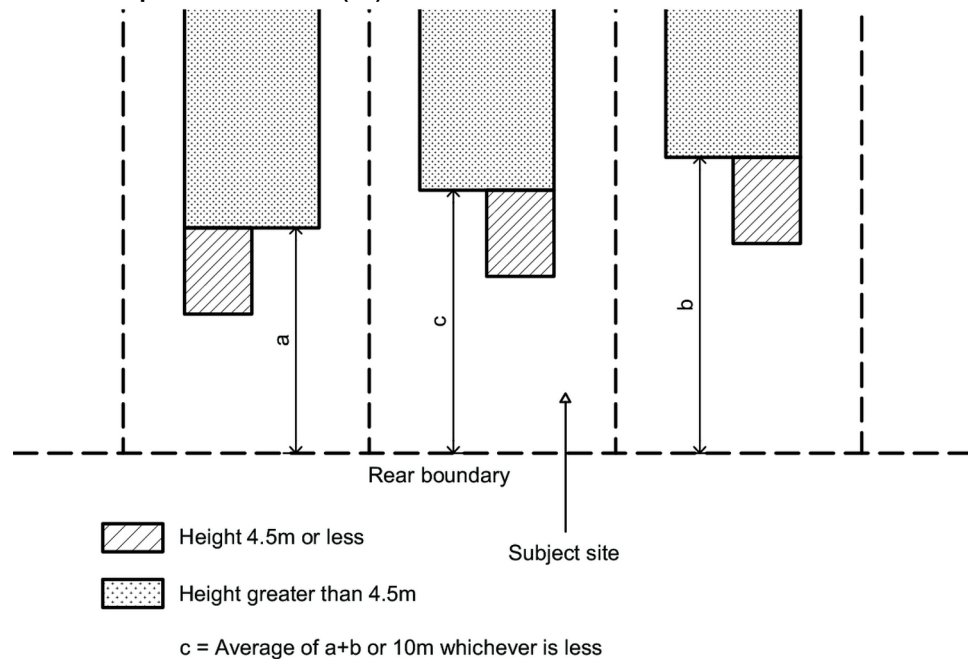
State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

(10) Rear setbacks

The dwelling house and all attached ancillary development must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Building height	Minimum setback from each rear boundary
200m ² –300m ²	0m–4.5m	3m
200m ² –300m ²	>4.5m–8.5m	10m or the average rear setback of the 2 adjoining dwelling houses, measured at 4.5m above ground level (existing), whichever is the lesser
>300m ² –900m ²	0m–4.5m	3m
>300m ² –900m ²	>4.5m–8.5m	8m
>900m ² –1,500m ²	0m–4.5m	5m
>900m ² –1,500m ²	>4.5m–8.5m	12m
>1,500m ²	0m–4.5m	10m
>1,500m ²	>4.5m–8.5m	15m

Example for clause 3.9 (10):



(11) Lots with rear lanes

Despite subclause (10), if the lot has a rear boundary with a lane, the dwelling house and all attached ancillary development may abut the rear boundary for a maximum of 50% of the length of that boundary.

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

(12) **Lots with only 3 boundaries**

Subclause (10) does not apply to a lot that only has 3 boundaries.

Note 1. *Articulation zone, attached ancillary development, battle-axe lot, boundary wall, building element, building line, detached ancillary development, dwelling house, lane, primary road, setback and standard lot* are defined in clause 1.5.

Note 2. *Building height, classified road and ground level (existing)* have the same meanings as they have in the Standard Instrument.

Note 3. *Complying development certificate* has the same meaning as it has in the Act.

3.10 Minimum setbacks for corner lots

- (1) The primary road for a corner lot is the road that the dwelling faces provided the road has at least a 6m boundary with the lot.

(2) **Primary road setbacks**

The primary road setback of the dwelling house and all attached ancillary development on a corner lot must not be less than the average primary road setback of the 2 nearest dwelling houses on the same side of the primary road.

- (3) If there are not 2 dwelling houses within 40m of the lot on the same side of the primary road, the dwelling house and all attached ancillary development must have a minimum setback from the primary road as shown in the following table:

Lot size	Minimum setback from primary road
200m ² –300m ²	3m
>300m ² –900m ²	4.5m
>900m ² –1,500m ²	6.5m
>1,500m ²	10m

Note 1. Setbacks for lots fronting a classified road are shown in clause 3.13.

Note 2. A lot smaller than 200m² cannot be complying development (clause 3.1 (2) (b)).

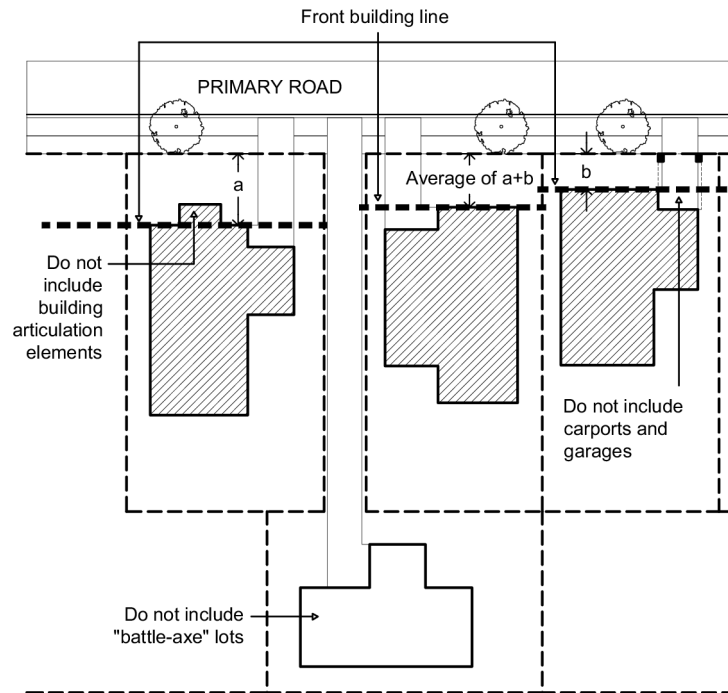
- (4) For the purpose of determining the primary road setbacks of the 2 nearest dwelling houses the following are not to be included:
- (a) dwelling houses on battle-axe lots,
 - (b) all attached ancillary development and detached ancillary development on other lots,
 - (c) building elements in the articulation zone.

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Example for clause 3.10 (2) to (4):



(5) Secondary road setbacks

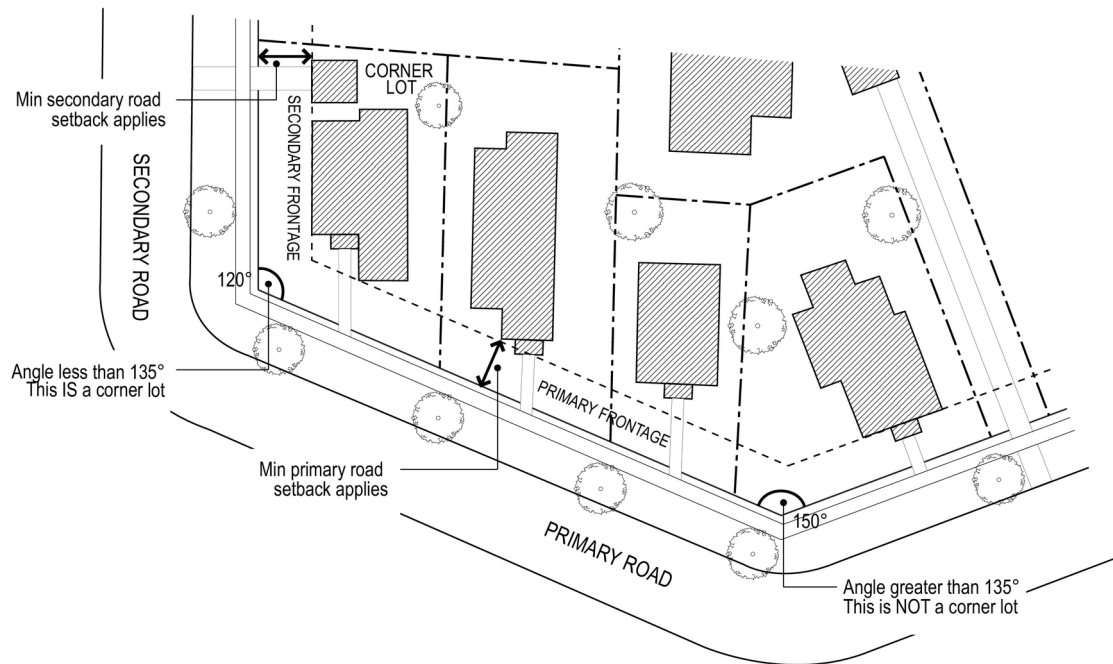
The dwelling house and all attached ancillary development must have a minimum setback from the secondary road as shown in the following table:

Lot size	Minimum setback from primary road
200m ² –600m ²	2m
>600m ² –1,500m ²	3m
>1,500m ²	5m

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Example for clause 3.10 (5):



(6) Side setbacks

The dwelling house and all attached ancillary development must have a minimum setback from the side boundary as shown in the following table:

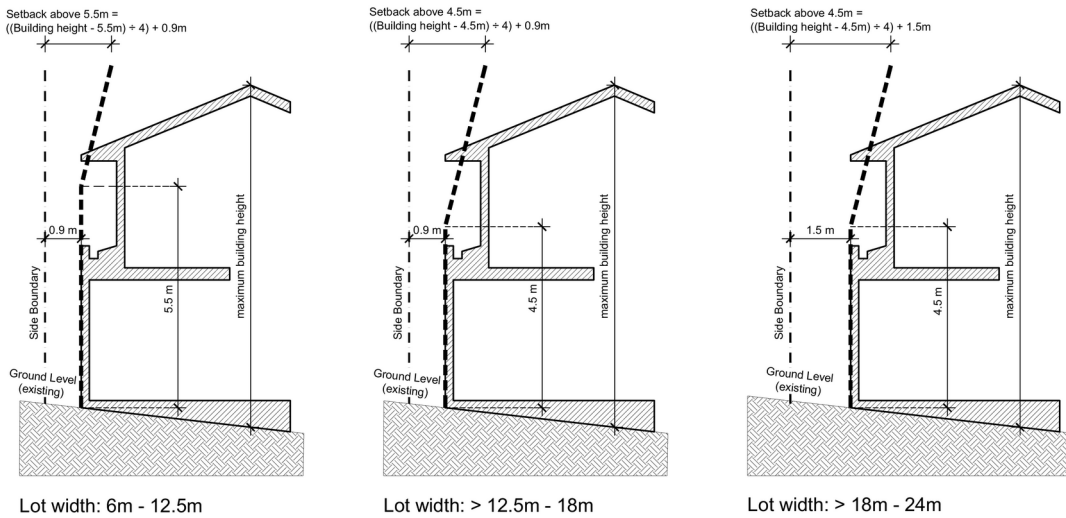
Lot width at the building line	Building height	Minimum required setback from each side boundary
6m–12.5m	0m–5.5m	0.9m
6m–12.5m	>5.5m–8.5m	$=(\text{building height}-5.5\text{m}) \div 4 + 0.9\text{m}$
>12.5m–18m	0m–4.5m	0.9m
>12.5m–18m	>4.5m–8.5m	$=(\text{building height}-4.5\text{m}) \div 4 + 0.9\text{m}$
>18m–24m	0m–4.5m	1.5m
>18m–24m	>4.5m–8.5m	$=(\text{building height}-4.5\text{m}) \div 4 + 1.5\text{m}$
>24m	0m–8.5m	2.5m

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Example for clause 3.10 (6):



(7) Built to boundary setbacks

Despite subclause (6), the dwelling house and all attached ancillary development may be built within 150mm of 1 or both side boundaries if the setback complies with the following table:

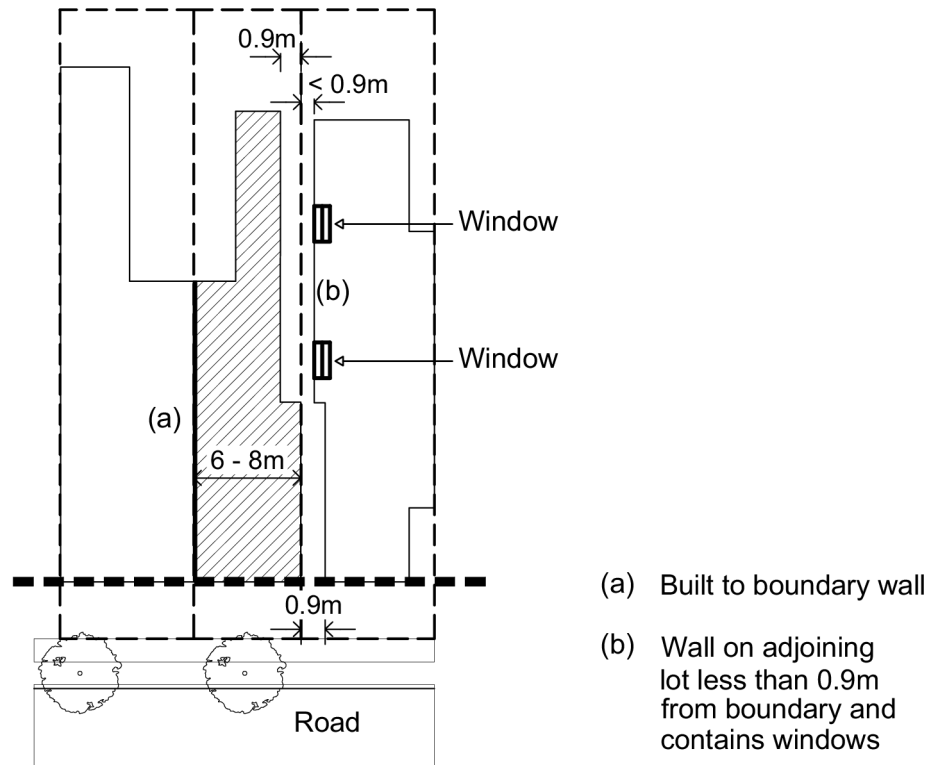
Lot width at the building line	Conditions required for built to boundary setback
6m–8m	The building may be built to within 150mm of both side boundaries if any wall of a building on the adjoining lot within 900mm of that boundary: <ul style="list-style-type: none">(a) is of masonry construction, and(b) does not have a window facing that boundary.
>8m–12.5m	The building may be built to within 150mm of only 1 side boundary if any wall of a building on the adjoining lot within 900mm of that boundary: <ul style="list-style-type: none">(a) is of masonry construction, and(b) does not have a window facing that boundary.

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Example for clause 3.10 (7):



- (8) A wall of a building erected under subclause (7) within 900mm of the boundary must not contain a door, window or any other opening.

(9) Height of built to boundary walls

The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if the height of the built to a boundary wall on an adjoining lot is higher than 3.3m—the height of that wall, but not more than 8.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the built to a boundary wall on the adjoining lot, but not more than 8.5m.

(10) Maximum length of built to boundary walls

The length of a built to a boundary wall must not exceed the length shown in the following table:

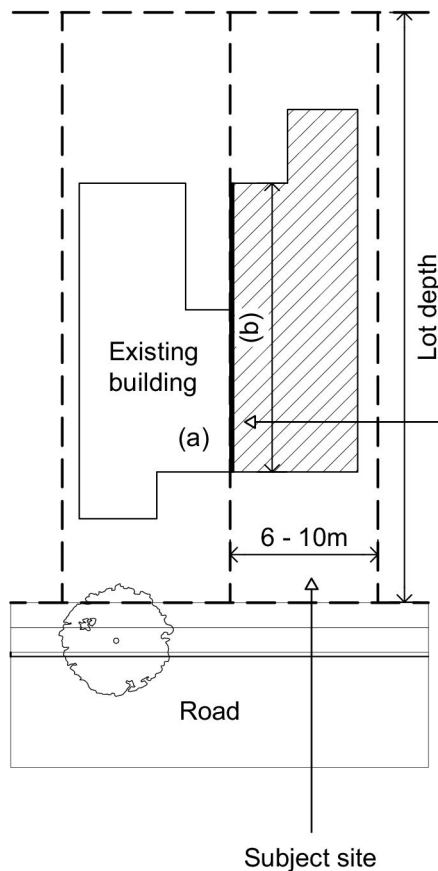
Lot width at the building line	Maximum length of boundary wall
6m–10m	20m or 50% of the depth of the lot, whichever is the lesser
>10m–12.5m	10m

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

- (11) Despite subclause (10), the maximum length of a wall erected within 900mm of a lot side boundary is:
- (a) if the length of the built to a boundary wall on an adjoining lot is longer than the length calculated under subclause (10)—the length of that wall, or
 - (b) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the length of the wall on the adjoining lot.

Example for clause 3.10 (9) to (11):



(a) Maximum built to boundary wall height:
Must not be higher than the height of the adjoining wall or 8.5m whichever is lesser built to boundary wall.

(b) Maximum built to boundary wall length:
6-10m wide lots must not be longer than 20m or 50% of the lots depth.

10-12.5m wide lots must not be longer than 10m.

(12) **Rear setbacks**

The dwelling house and all attached ancillary development must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Building height	Minimum setback from each rear boundary
200m ² –300m ²	0m–4.5m	3m
200m ² –300m ²	>4.5m–8.5m	10m or the average rear setback of the 2 adjoining dwelling houses (measured at 4.5m above ground level (existing)), whichever is the lesser

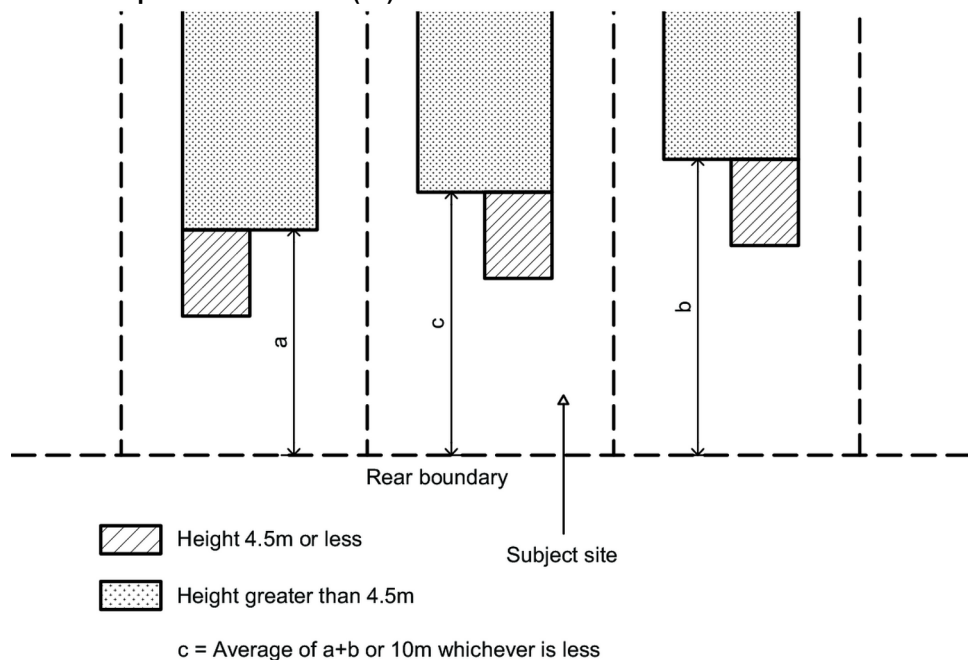
Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Lot area	Building height	Minimum setback from each rear boundary
>300m ² –900m ²	0m–4.5m	3m
>300m ² –900m ²	>4.5m–8.5m	8m
>900m ² –1,500m ²	0m–4.5m	5m
>900m ² –1,500m ²	>4.5m–8.5m	12m
>1,500m ²	0m–4.5m	10m
>1,500m ²	>4.5m–8.5m	15m

Example for clause 3.10 (12):



(13) Lots with rear lanes

Despite subclause (12), if the lot has a rear boundary with a lane, the dwelling house and all attached ancillary development may abut the rear boundary for a maximum of 50% of the length of that boundary.

(14) Lots with only 3 boundaries

Subclause (12) does not apply to a lot that only has 3 boundaries.

Note 1. *Articulation zone, attached ancillary development, battle-axe lot, boundary wall, building element, building line, corner lot, detached ancillary development, dwelling house, lane, primary road, secondary road and setback* are defined in clause 1.5.

Note 2. *Building height, classified road and ground level (existing)* have the same meanings as they have in the Standard Instrument.

Note 3. *Complying development certificate* has the same meaning as it has in the Act.

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

3.11 Minimum setbacks for parallel road lots

(1) Primary road setbacks

The primary road setback of the dwelling house and all attached ancillary development on a parallel road lot must not be less than the average primary road setback of the 2 nearest dwelling houses on the same side of the primary road.

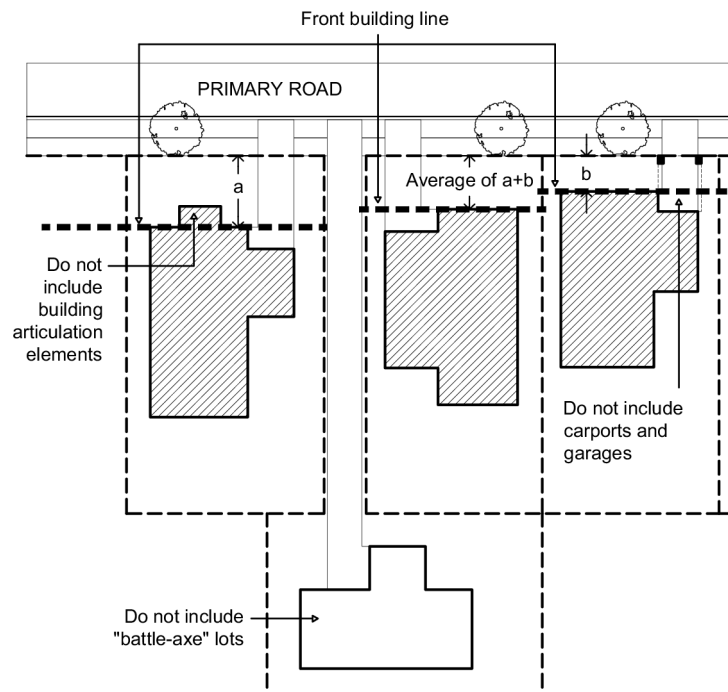
- (2) If there are not 2 dwelling houses within 40m of the lot on the same side of the primary road, the dwelling house and all attached ancillary development must have a minimum setback from the primary road as shown in the following table:

Lot size	Minimum setback from primary road
$200\text{m}^2\text{--}300\text{m}^2$	3m
$>300\text{m}^2\text{--}900\text{m}^2$	4.5m
$>900\text{m}^2\text{--}1,500\text{m}^2$	6.5m
$>1,500\text{m}^2$	10m

Note 1. Setbacks for lots fronting a classified road are shown in clause 3.13.

Note 2. A lot smaller than 200m^2 cannot be complying development (clause 3.1 (2) (b)).

Example for clause 3.11 (2):



Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

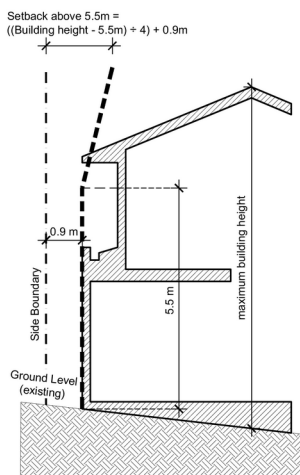
- (3) For the purpose of determining the primary road setbacks of the 2 nearest dwellings the following are not to be included:
- (a) dwelling houses on battle-axe lots,
 - (b) all attached ancillary development and detached ancillary development on other lots,
 - (c) building elements in the articulation zone.

(4) **Side setback**

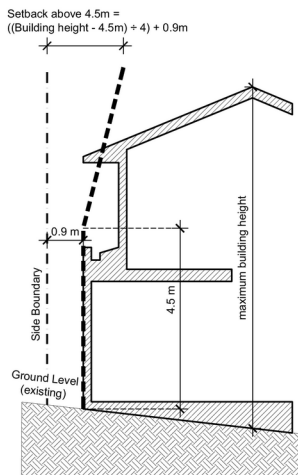
The dwelling house and all attached ancillary development must have a minimum setback from the side boundary as shown in the following table:

Lot width at the building line	Building height	Minimum setback from each side boundary
6m–10m	0m–5.5m	0.9m
6m–10m	>5.5m–8.5m	$=(\text{building height}-5.5\text{m}) \div 4 + 0.9\text{m}$
>10m–18m	0m–4.5m	0.9m
>10m–18m	>4.5m–8.5m	$=(\text{building height}-4.5\text{m}) \div 4 + 0.9\text{m}$
>18m–24m	0m–4.5m	1.5m
>18m–24m	>4.5m–8.5m	$=(\text{building height}-4.5\text{m}) \div 4 + 1.5\text{m}$
>24m	0m–8.5m	2.5m

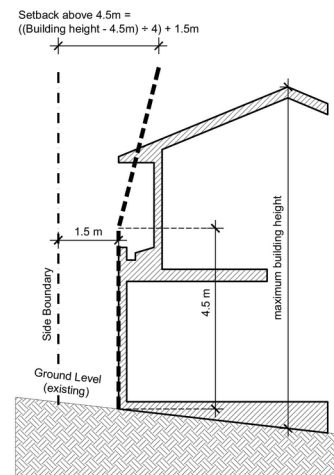
Example for clause 3.11 (4):



Lot width: 6m - 12.5m



Lot width: > 12.5m - 18m



Lot width: > 18m - 24m

Public consultation draft

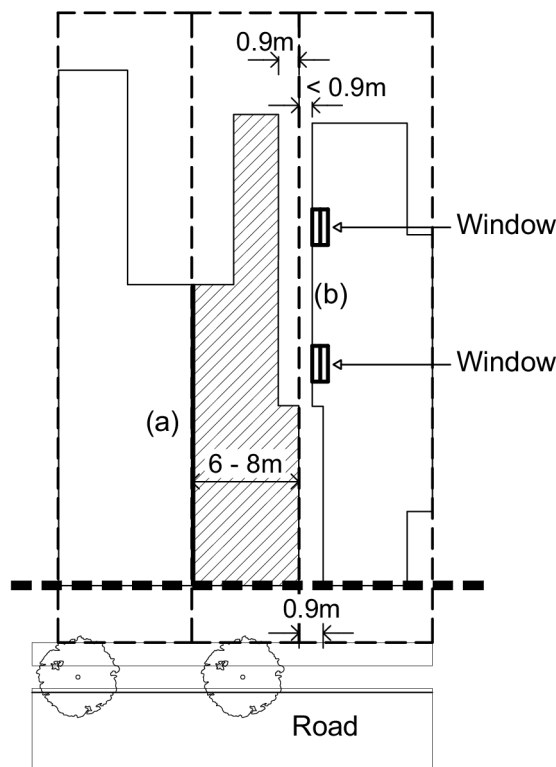
State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

(5) Built to boundary setback

Despite subclause (4), the dwelling house and all attached ancillary development may be built to 1 or both side boundaries if the setback complies with the following table:

Lot width at the building line	Conditions required for built to boundary setback
6m–8m	The building may be built to both side boundaries if any wall of a building on the adjoining lot within 900mm of that boundary: <ul style="list-style-type: none">(a) is of masonry construction, and(b) does not have a window facing that boundary.
>8m–12.5m	The building may be built to only 1 side boundary if any wall of a building on the adjoining lot within 900mm of that boundary: <ul style="list-style-type: none">(a) is of masonry construction, and(b) does not have a window facing that boundary.

Example for clause 3.11 (5):



- (a) Built to boundary wall
- (b) Wall on adjoining lot less than 0.9m from boundary and contains windows

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

- (6) A wall of a building erected under subclause (5) within 900mm of the boundary must not contain a door, window or any other opening.

(7) **Height of built to boundary walls**

The height of a wall erected within 900mm of a lot side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if the height of the built to a boundary wall on an adjoining lot is higher than 3.3m—the height of that wall, but not more than 8.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the wall on the adjoining lot, but not more than 8.5m.

(8) **Maximum length of boundary walls**

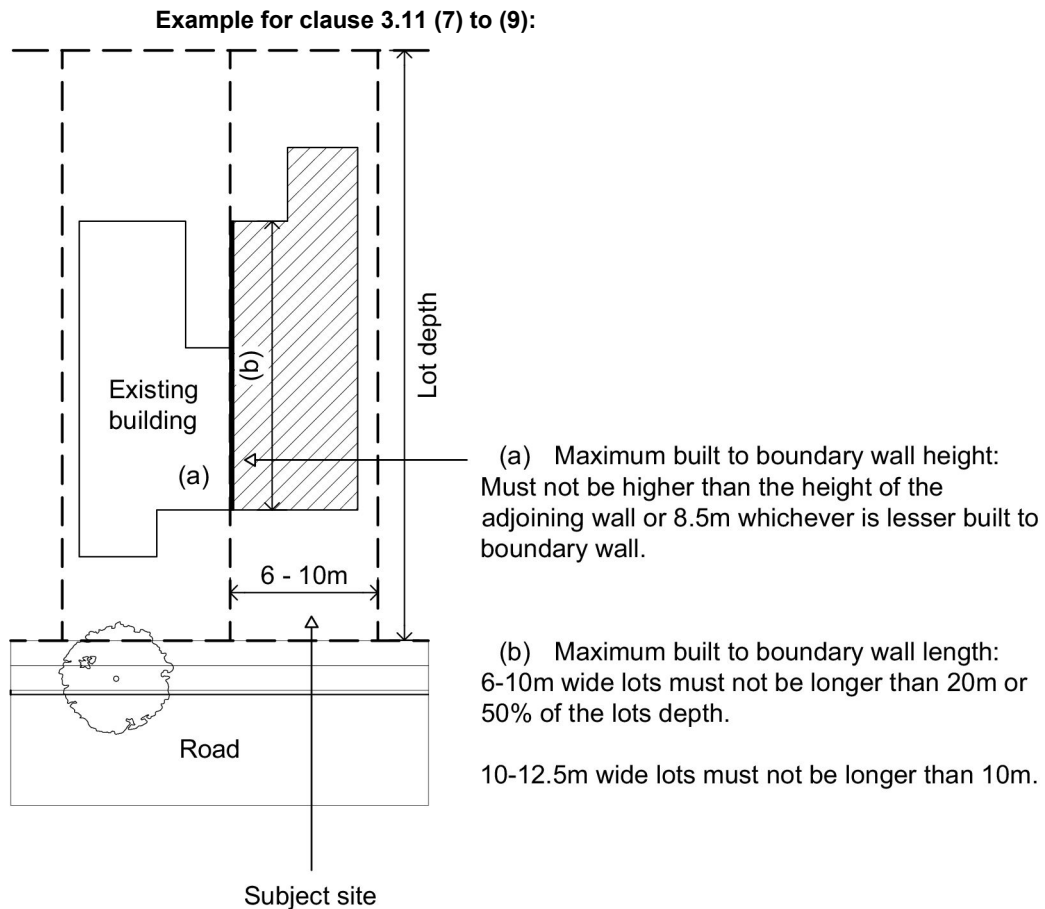
The length of a wall erected within 900mm of a lot side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of boundary wall
6m–10m	20m or 50% of the depth of the lot, whichever is the lesser
>10m–12.5m	10m

- (9) Despite subclause (8), the maximum length of a wall erected within 900mm of a lot side boundary is:
- (a) if the length of the built to a boundary wall on an adjoining lot is longer than the length calculated under subclause (8)—the length of that wall, or
 - (b) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the length of the wall on the adjoining lot.

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008



Note 1. *Articulation zone, attached ancillary development, battle-axe lot, boundary wall, building element, building line, detached ancillary development, dwelling house, lane, parallel road lot, primary road, secondary road and setback* are defined in clause 1.5.

Note 2. *Building height, classified road and ground level (existing)* have the same meanings as they have in the Standard Instrument.

Note 3. *Complying development certificate* has the same meaning as it has in the Act.

3.12 Minimum setbacks for battle-axe lots

(1) General

A battle-axe lot is taken to have 3 side boundaries and a rear boundary. The rear boundary is opposite to the boundary to which the front of the dwelling house faces.

(2) Side setbacks

The dwelling house and all attached ancillary development must have a minimum setback from each side boundary as shown in the following table:

Lot width at the building line	Building height	Minimum setback from each side boundary
6m–10m	0m–5.5m	0.9m

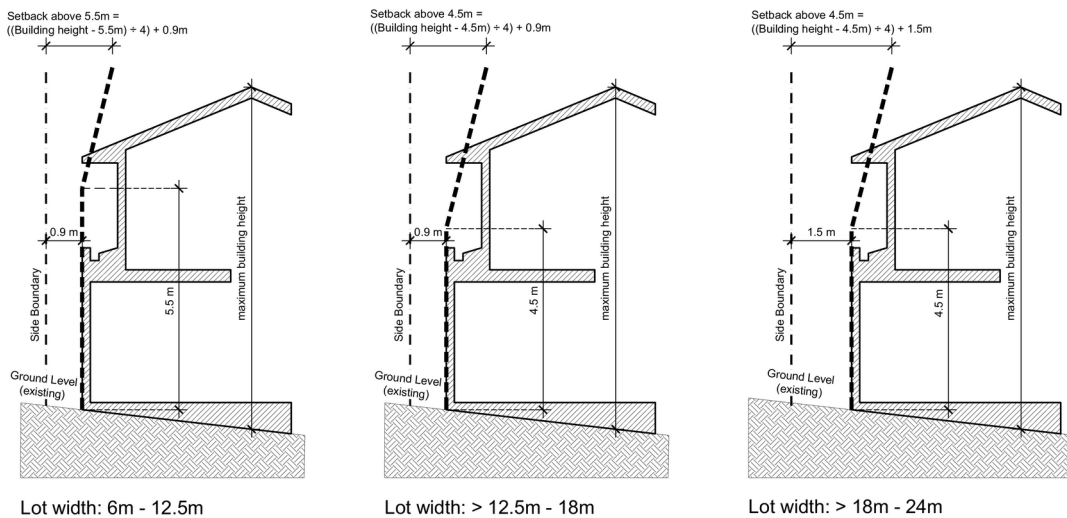
Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Lot width at the building line	Building height	Minimum setback from each side boundary
6m–10m	>5.5m–8.5m	$=(\text{building height}-5.5\text{m}) \div 4 + 0.9\text{m}$
>10m–18m	0m–4.5m	0.9m
>10m–18m	>4.5m–8.5m	$=(\text{building height}-4.5\text{m}) \div 4 + 0.9\text{m}$
>18m–24m	0m–4.5m	1.5m
>18m–24m	>4.5m–8.5m	$=(\text{building height}-4.5\text{m}) \div 4 + 1.5\text{m}$
>24m	0m–8.5m	2.5m

Example for clause 3.12 (2):



(3) Built to boundary setbacks

Despite subclause (2), the dwelling house and all attached ancillary development may be built to any side boundary if the setback complies with the following table:

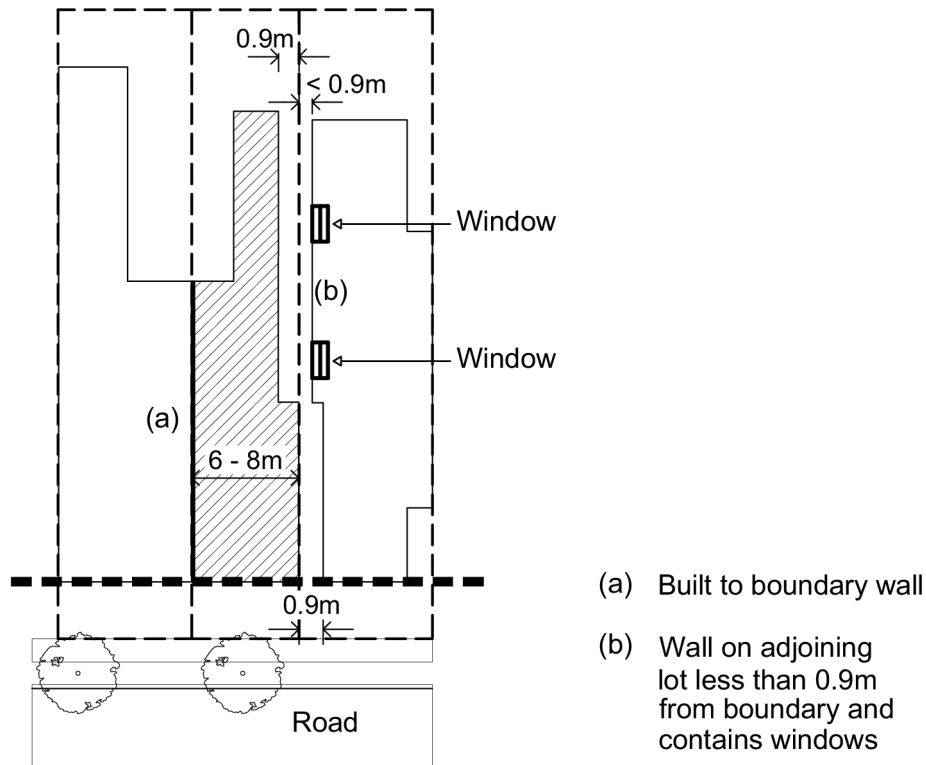
Lot width at the building line	Conditions required for built to boundary setback
6m–8m	The building may be built to both side boundaries if any wall of a building on the adjoining lot within 900mm of that boundary: <ul style="list-style-type: none"> (a) is of masonry construction, and (b) does not have a window facing that boundary.
>8m–12.5m	The building may be built to only 1 side boundary if any wall of a building on the adjoining lot within 900mm of that boundary: <ul style="list-style-type: none"> (a) is of masonry construction, and (b) does not have a window facing that boundary.

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Example for clause 3.12 (3):



- (4) A wall of a building erected under subclause (3) within 900mm of the boundary must not contain a door, window or any other opening.
- (5) **Height of built to boundary walls**
The height of a wall erected within 900mm of a lot side boundary must not exceed:
- (a) 3.3m above ground level (existing), or
 - (b) if the height of the built to a boundary wall on an adjoining lot is higher than 3.3m—the height of that wall, but not more than 8.5m, or
 - (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the wall on the adjoining lot, but not more than 8.5m.
- (6) **Maximum length of boundary walls**
The length of a wall erected within 900mm of a lot side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of boundary wall
6m–10m	20m or 50% of the depth of the lot, whichever is the lesser

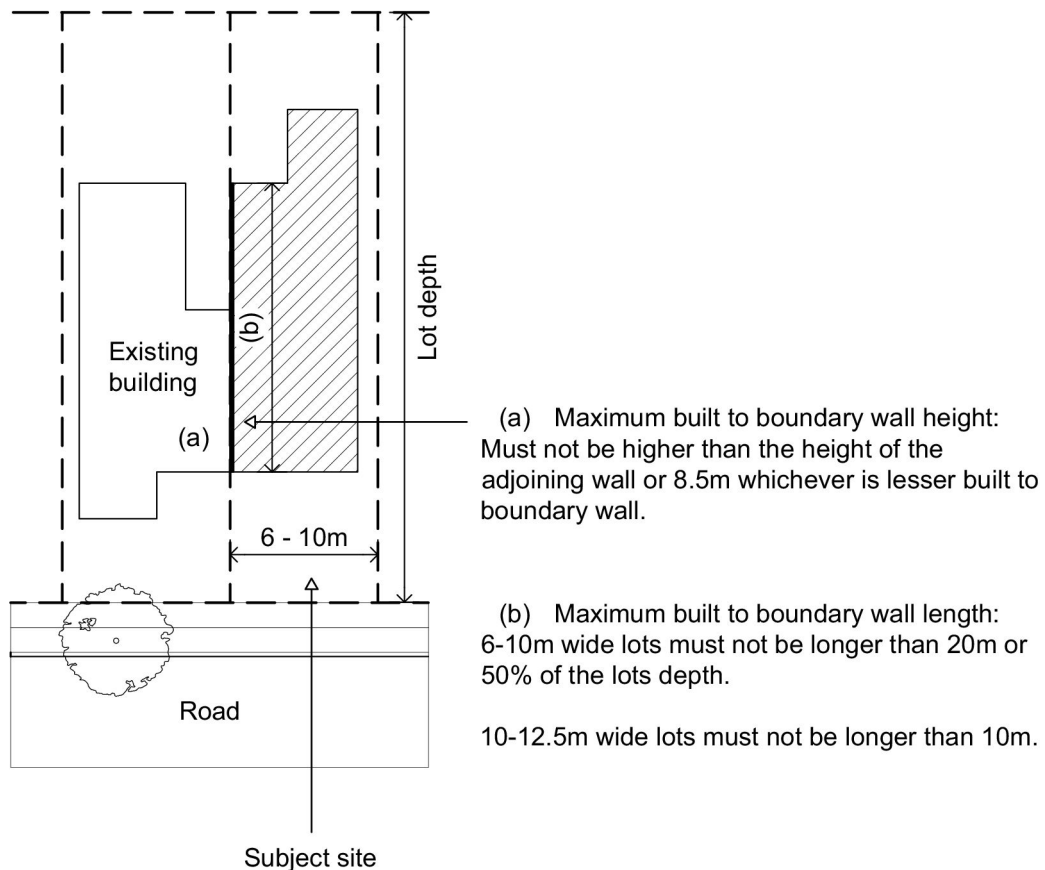
Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Lot width at the building line	Maximum length of boundary wall
>10m–12.5m	10m

- (7) Despite subclause (6), the maximum length of a wall erected within 900mm of a lot side boundary is:
- (a) if the length of the built to a boundary wall on an adjoining lot is longer than the length calculated under subclause (5)—the length of that wall, or
 - (b) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the length of the wall on the adjoining lot.

Example for clause 3.12 (6) and (7):



(8) Rear setbacks

The dwelling house and all attached ancillary development must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Building height	Minimum setback from each rear boundary
200m ² –300m ²	0m–4.5m	3m

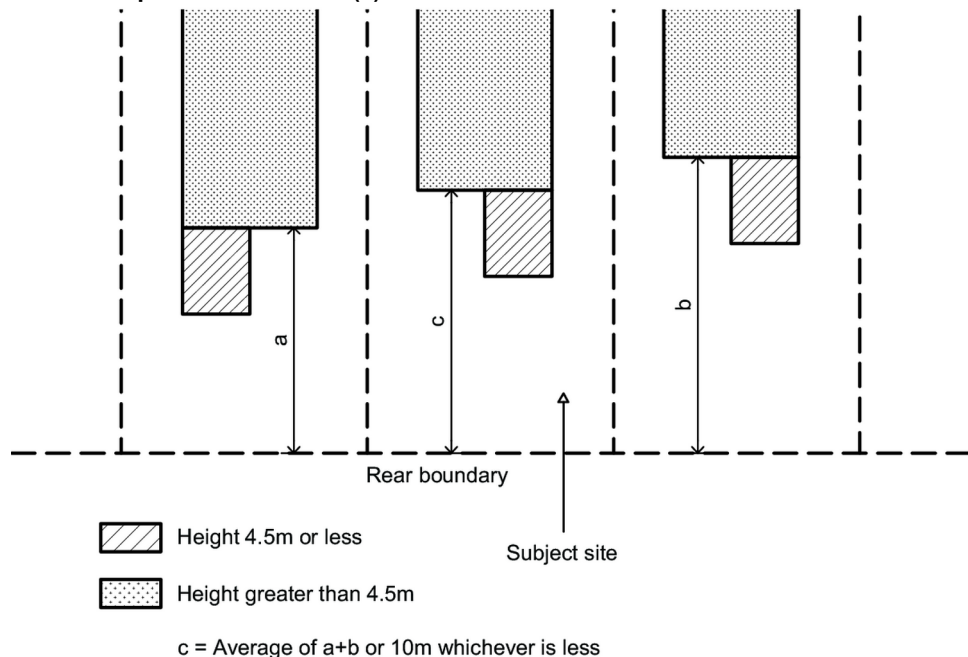
Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Lot area	Building height	Minimum setback from each rear boundary
200m ² –300m ²	>4.5m–8.5m	10m or the average rear setback of the 2 adjoining dwelling houses, measured at 4.5m above ground level (existing), whichever is the lesser
>300m ² –900m ²	0m–4.5m	3m
>300m ² –900m ²	>4.5m–8.5m	8m
>900m ² –1,500m ²	0m–4.5m	5m
>900m ² –1,500m ²	>4.5m–8.5m	12m
>1,500m ²	0m–4.5m	10m
>1,500m ²	>4.5m–8.5m	15m

Example for clause 3.12 (8):



(9) Lots with rear lanes

Despite subclause (8), if the lot has a rear boundary with a lane, the dwelling house and all attached ancillary development may abut the rear boundary for a maximum of 50% of the length of that boundary.

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

(10) **Lots with only 3 boundaries**

Subclause (8) does not apply to a lot that only has 3 boundaries.

Note 1. *Attached ancillary development, battle-axe lot, boundary wall, building line, dwelling house, lane* and *setback* are defined in clause 1.5.

Note 2. *Building height* and *ground level (existing)* have the same meanings as they have in the Standard Instrument.

Note 3. *Complying development certificate* has the same meaning as it has in the Act.

3.13 Exceptions to setbacks

(1) **Development to which setbacks do not apply**

The side and rear setback standards specified in clauses 3.9, 3.10, 3.11 and 3.12 do not apply to the following:

- (a) downpipes,
- (b) driveways,
- (c) electricity or gas meters,
- (d) fascias,
- (e) fences,
- (f) gutters,
- (g) hard stand space,
- (h) light fittings,
- (i) pathways,
- (j) paving.

(2) **Development to which setbacks do not apply beyond 450mm**

The side and rear setback standards specified in clauses 3.9, 3.10, 3.11 and 3.12 do not apply to the following if they are at least 450mm from the relevant boundary:

- (a) aerials,
- (b) antennae,
- (c) awnings,
- (d) chimneys,
- (e) cooling or heating appliances,
- (f) eaves,
- (g) flues,
- (h) pipes,
- (i) rainwater tanks greater than 1.8m in height,
- (j) structures associated with the provision of a utility service.

(3) **Setbacks from classified roads**

Despite any primary road setback specified in clauses 3.9, 3.10 and 3.11, a dwelling house and all attached ancillary development must have a setback from a boundary with a classified road of at least:

- (a) the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or
- (b) if no setback is specified—9m.

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

(4) **Setbacks from public reserves**

Despite any setback specified in clauses 3.9, 3.10, 3.11 and 3.12, a dwelling house and all attached ancillary development must have a setback from a boundary with a public reserve of at least 3m.

Note 1. *Articulation zone*, *attached ancillary development*, *dwelling house*, *primary road* and *setback* are defined in clause 1.5.

Note 2. *Classified road* and *public reserve* have the same meanings as they have in the Standard Instrument.

Note 3. *Environmental planning instrument* has the same meaning as it has in the Act.

Subdivision 2 Secondary development standards for new dwelling houses

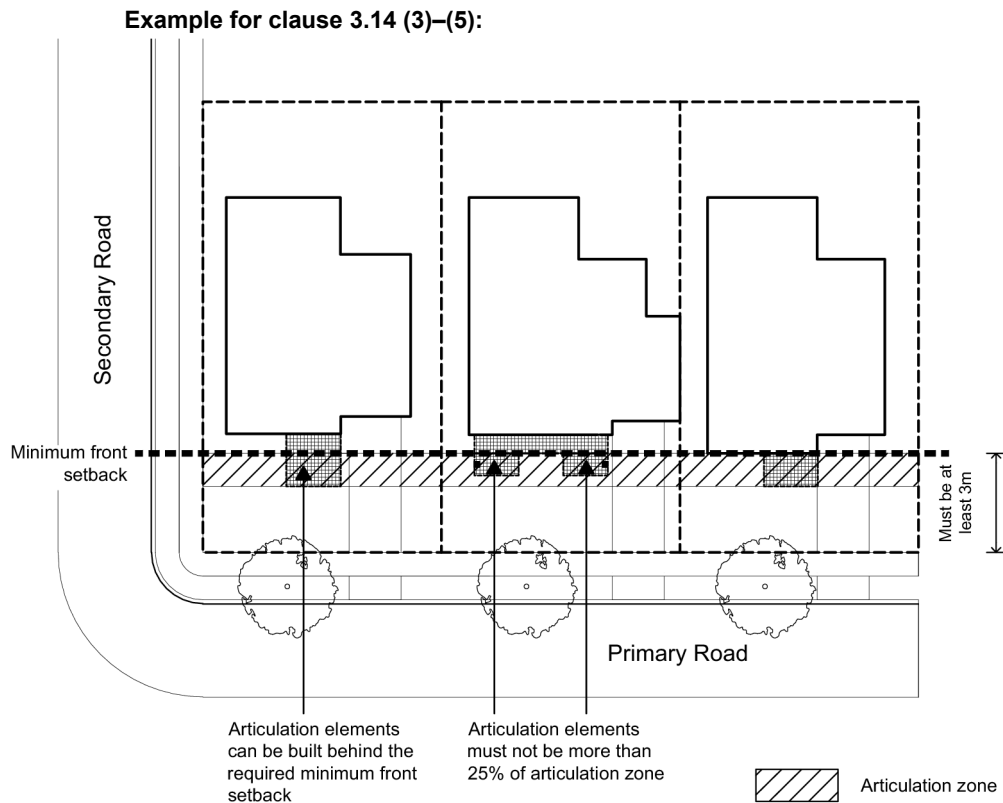
3.14 Building design

- (1) This clause applies to development that is a new dwelling house, other than development on a battle-axe lot.
- (2) At the completion of the development the dwelling house must contain the following building element:
 - (a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, or
 - (b) at least 1 door and 1 window to a habitable room at ground floor level facing any parallel road.
- (3) **Primary frontage**

A dwelling house with a setback from a primary road of more than 3m may have a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road.
- (4) The following building elements are allowed in the primary road articulation zone:
 - (a) an entry feature or portico,
 - (b) a balcony, deck, pergola, terrace or verandah,
 - (c) a window box treatment,
 - (d) a bay window or similar feature,
 - (e) an awning or other feature over a window,
 - (f) a sun shading feature.
- (5) The maximum total area of all building elements in the primary road articulation zone, other than a building element listed in subclause (4) (e) or (f), must not be more than 25% of the area of the primary road articulation zone.

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008



(6) Maximum height of building elements

A building element on a dwelling house (other than an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend more than:

- (a) 1m above the gutter line of the eaves of a single storey dwelling house, or
- (b) above the gutter line of the eaves of a 2 storey dwelling house.

(7) Secondary frontage on corner lots

A dwelling house with a setback from a secondary road of not more than 4.5m must provide at least one of the following building elements for a minimum length of 20% of the walls that face the secondary road and are within 4.5m of the secondary road:

- (a) an entry feature or portico,
- (b) a balcony, deck, pergola, terrace or verandah,
- (c) a bay window or similar feature.

(8) Building elements listed in subclause (7) may be in a secondary road articulation zone:

- (a) if that zone extends 1m into the minimum required setback area and spans the length of the walls that face the secondary road, and
- (b) for a maximum of 20% of the zone area.

(9) Any part of a gable or hipped roof that overhangs walls within 4.5m of the secondary road boundary must include eaves that extend for the length of

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

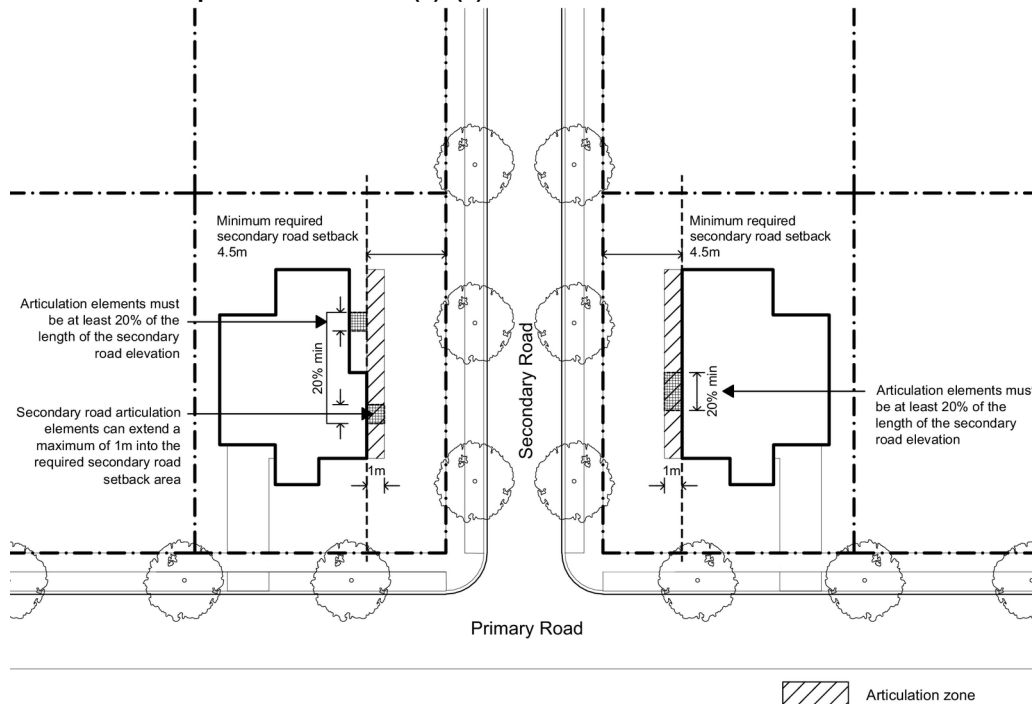
those walls that project at least 450mm, but not more than 1m from those walls.

Note 1. *Articulation zone, battle-axe lot, building element, corner lot, dwelling house, habitable room, parallel road, parallel road lot, primary road, secondary road and setback* are defined in clause 1.5.

Note 2. *Storey* is defined in the Standard Instrument as a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include.

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

Example for clause 3.14 (7)–(9):



3.15 Attached balconies, decks, patios, terraces and verandahs

- (1) A balcony, deck, patio, terrace or verandah that is attached to the side or rear elevation of a dwelling house is only permitted on a lot if:
 - (a) the area of the lot is more than 300m², and
 - (b) the width of the lot, measured at the building line, is more than 10m.
- (2) The maximum height of the floor level of any side or rear balcony, deck, patio, terrace or verandah is the height shown in the following table:

Setback from the side or rear boundary	Maximum permitted floor level above ground level (existing)
<3m	2m
3m–6m	3m
>6m	4m

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

- (3) The total floor area of all attached side or rear balconies, decks, patios, terraces and verandahs that:
- (a) are within 6m from a side or rear boundary, and
 - (b) have a finished floor level of more than 2m above ground level (existing),
- must not be more than 12m².

Note 1. *Attached, building line, dwelling house* and *floor area* are defined in clause 1.5.

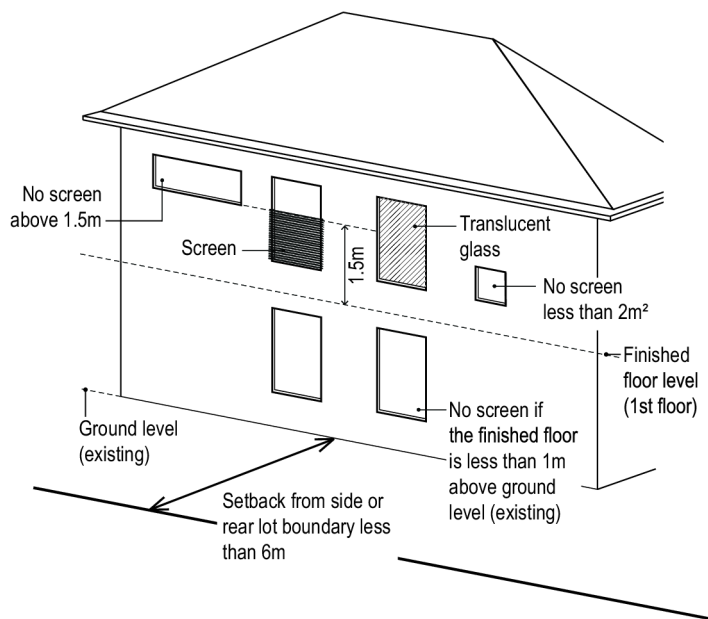
Note 2. *Ground level (existing)* has the same meaning as it has in the Standard Instrument.

Note 3. In some circumstances a balcony may require a privacy screen as shown in clause 3.16.

3.16 Privacy screens for windows, balconies, decks and patios

- (1) A privacy screen must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that room if:
- (a) the window is less than 3m from a side or rear boundary and the room has a finished floor level more than 1m above ground level (existing), or
 - (b) the window is 3–6m from a side or rear boundary and the room has a finished floor level more than 3m above ground level (existing).
- (2) Subclause (1) does not apply to a bedroom window that has an area of not more than 2m².

Example for clause 3.16:



- (3) A privacy screen of at least 1.7m, but not more than 2.2m, above the finished floor level of the balcony, deck, patio, terrace or verandah must be installed at

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

the edge of that part of the development that is parallel to or faces towards the relevant side or rear boundary if:

- (a) that part of the structure is less than 3m from a side or rear boundary and the room has a finished floor level more than 1m above ground level (existing), or
- (b) that part of the structure is 3–6m from a side or rear boundary and the room has a finished floor level more than 3m above ground level (existing).

Note 1. *Habitable room* and *privacy screen* are defined in clause 1.5.

Note 2. *Ground level (existing)* has the same meaning as it has in the Standard Instrument.

3.17 Car parking and vehicle access requirements

- (1) At least 1 off-street car parking space must be provided on a lot unless the lot has a width of less than 8m measured at the building line.
- (2) The car parking space may be an open hard stand space or a carport or garage, whether attached to or detached from the dwelling house.
- (3) All off-street car parking spaces must have a driveway to a public road that is constructed in accordance with AS 2890.1:2004, *Parking facilities—Off-street car parking*.
- (4) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.
- (5) An open hard stand car parking space must be at least 2.6m wide and 5.4m long.
- (6) An attached garage may only be erected on a lot that has a width of less than 8m measured at the building line if the garage is accessed only from a secondary road, parallel road or lane.
- (7) An attached garage, carport or car parking space accessed from a primary road must have a minimum setback as shown in the following table:

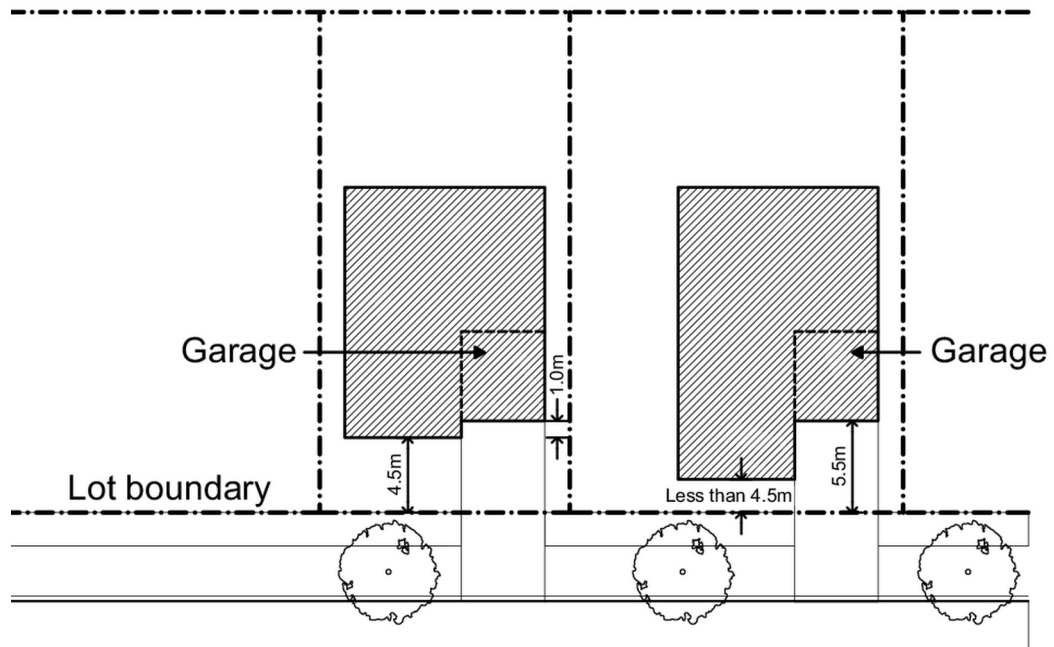
If the primary road setback of the dwelling house is	The minimum required garage or carport setback from the primary road must be
<4.5m	5.5m
>4.5m	1m or more behind the building line of the dwelling house

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Example for clause 3.17 (6) and (7):



- (8) The maximum width of all garage door openings facing a primary, secondary or parallel road is shown in the following table:

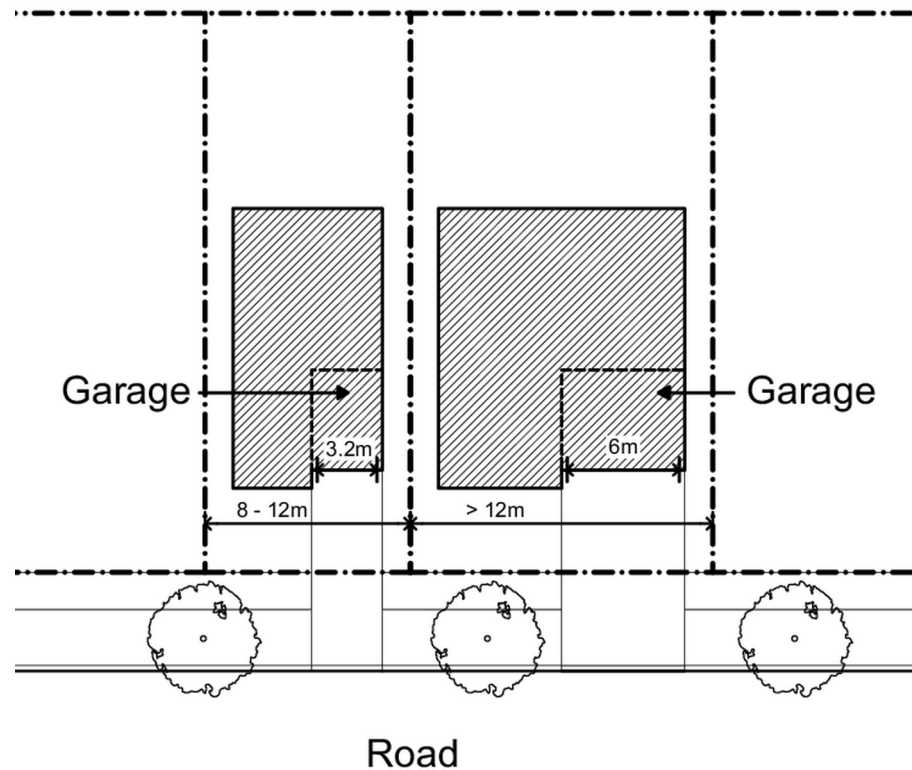
Lot width	Maximum width of garage door openings
8m–12m	3.2m
>12m	6m

Public consultation draft

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2016 [NSW]

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Example for clause 3.17 (8):



Note 1. Attached, *battle-axe lot*, *building line*, *detached*, *hard stand space*, *lane*, *parallel road*, *primary road*, *secondary road* and *setback* are defined in clause 1.5.

Note 2. Clause 2.28 applies to the construction or installation of a driveway as exempt development.